THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.15782 of 1997

Date: 9th February, 2007

Between:

V.Satyanarayana S/o.V.S.R.T.Sastry,
Aged 34 years, Clerk, O/o.Fedcon,
Visakhapatnam.

..... Petitioner

AND

1.The Secretary, G.A.D., Govt. of A.P.,
Secretariat, Hyderabad and two others.

.....Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.15782 of 1997

ORDER:

The relief sought for in this writ petition is for a Mandamus directing the respondents to continue the petitioner in service and to regularize his services as clerk in accordance with G.O.Ms.No.212, dated 22.04.1994.

2. *Sri C.Srinivasa Baba*, learned counsel for the petitioner, would submit that since the petitioner joined service on 08.05.1990 and had put in more than five years of service prior to the filing of the writ petition, he satisfied both the requirements of being in employment as on the cut off date and having completed five years of minimum service. Learned counsel would submit that the respondents'

interpretation that the five years of service should have been rendered prior to 25.11.1993 has been negatived by this Court in ***Secretary, A.P.Social Welfare Residential Educational Institutions Society and others v. P.Venkata Kumari and others***[1].

3. I find considerable force in the submission of the learned counsel for the petitioner. In ***P.Venkata Kumari***[1], the Division Bench of this Court noted that a single Judge of this Court, while interpreting the policy enunciated in G.O.Ms.No.212, dated 22.04.1994, had held that for the purpose of getting their services regularized the employees were not required to have five years continuous service as on 25.11.1993 and that the said interpretation of the learned single Judge of this Court was upheld by the Supreme Court in ***District Collector v. M.L.Singh***[2]. The Division Bench of this Court in ***P.Venkata Kumari***[1] held that compliance of the requirements of G.O.Ms.No.212, subject to the aforementioned interpretation of this Court, was mandatory.

4. In view of the order of the Division Bench of this Court in ***P.Venkata Kumari***[1], this writ petition is disposed of directing the third respondent to consider the case of the petitioner for regularization in accordance with G.O.Ms.No.212, dated 22.04.1994, within a period of three months from the date of receipt of a copy of this Order.

5. The writ petition is, accordingly, disposed of. No costs.

RAMESH RANGANATHAN, J.

Date:09th February, 2007.

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[1] 2001(3) ALT 366 (D.B.)

[2] 1998 (2) ALT 5 (SC)